

1385-3

1. Considered May 17, 1967
2. Name of Applicant Nicholas Klostergrand
3. Post Office Address Beresford
4. Amount of water claimed 47.3 Ac. ft. annually
5. Source of water supply Dry Creek
6. Water to be used for Fish Culture Wildlife & Recreation
- Acres to be irrigated
7. Water to diverted and used in Clay County
about 1.5 miles 2.00 of Beresford.
8. Proof of Publication Received May 2
Not Received
9. Application Approved X
Subject to
Not Approved
Action deferred
10. Remarks:

No. 1385-3Water Division No. 3 Vermillion River District
(Blanks to be Filled by the Engineer for the W. R. C.)

MAR 20 1967

APPLICATION FOR PERMIT To appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant Leland Klostergaard
- Postoffice address Beresford, County Clay, State South Dakota
- I. If a corporation -----
- (a) Name of same -----
- (b) Date and place of incorporation -----
- (c) Amount of capital stock -----
- (d) Amount paid in -----
- (e) Names and addresses of directors -----

(NOTE—A certified copy of articles of incorporation must accompany the application.)

- II. Method of accomplishing the work and financial resources of the applicant:
- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)
contract
- (b) Cash on hand, \$----- (c) Treasury stock, \$-----
- (d) Bonds to be issued, \$----- (e) Other resources, \$-----
2. Name of diversion work Klostergaard - Wildlife Dam
3. Amount of water claimed 47.3 Acre feet cubic feet per second -----
4. Source of water supply Runoff
5. Location of point of diversion N 103° E 730' of NE corner Section 12-95-51
----- on ----- bank ----- Clay County.
6. Annual period or periods during which water is to be used all year around
7. To be used for:
- I Irrigation or domestic use: Gravity, overhead sprinkling or combination system? -----
- (a) Number of acres to be irrigated ----- acres.
- (b) Legal subdivisions to be irrigated -----
- (NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)
- (c) Statement as to domestic use (giving location, etc.) -----

II. Stockwatering, mining, milling, power, fish culture, fire protection, and public recreation:

- (a) Nature of use Wildlife, Recreation, Fish Pond
Name any of the above uses claimed
- (b) Amount of power to be generated ----- horse power.
Amount claimed for engine cooling -----
- (c) Location of plant -----
- (d) Method of developing power -----
- (e) Point where water will be returned to stream 300' downstream of dam

Map # 995-3

8. Estimated cost of work:

(a) Head Gates, \$-----

(b) Pumping plant, \$-----

(c) Fluming, \$-----

(d) Canal-earth, \$.....

Rock, \$- - - - -

(e) Other structures Dam & Pipe \$ 3000.00

Total, \$-----

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Dam

II. Dimensions of works.

(a) Dam: Height 21.0 feet; length at bottom: 30 feet; length at top 320.0 feet; thickness at bottom 115.0 feet; thickness at top 12.0 feet; slope at front water face 3:1; slope at back face 2:1

material used in construction ----- Earthfill

(b) Reservoir: Capacity when filled -----47.35-----acre feet. Surface area at highwater mark-----7.9-----acres.

	DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH 4 FEET DEPTH AT OUTLET—ACRES			ACRE-Feet CAPACITY
	Depth	Elev.	Surface Area Ac	Storage A/F	Accum. A/F
Drawdown Pipe	0	84.0	0	0	0
	4	88.0	.3	1.6	1.6
	5	89.0	1.1	0.95	2.55
	8	92.0	2.1	4.80	7.35
Pipe inlet crest	12	96.0	5.0	14.20	21.55
	16	100.0	7.9	25.80	47.35

(c)* Head gate: Width.....feet; heightfeet;
Material

(d) Canal: Total length -----miles.

[illegible]

(Give dimensions where reductions in size are made.)

10. Time required for completion of work -----2-----years.

11. Time required for complete application of water to the proposed beneficial use 2 years.

12. Choice of newspaper for publication of notice of intention to appropriate

STATE OF SOUTH DAKOTA

County of Union-----

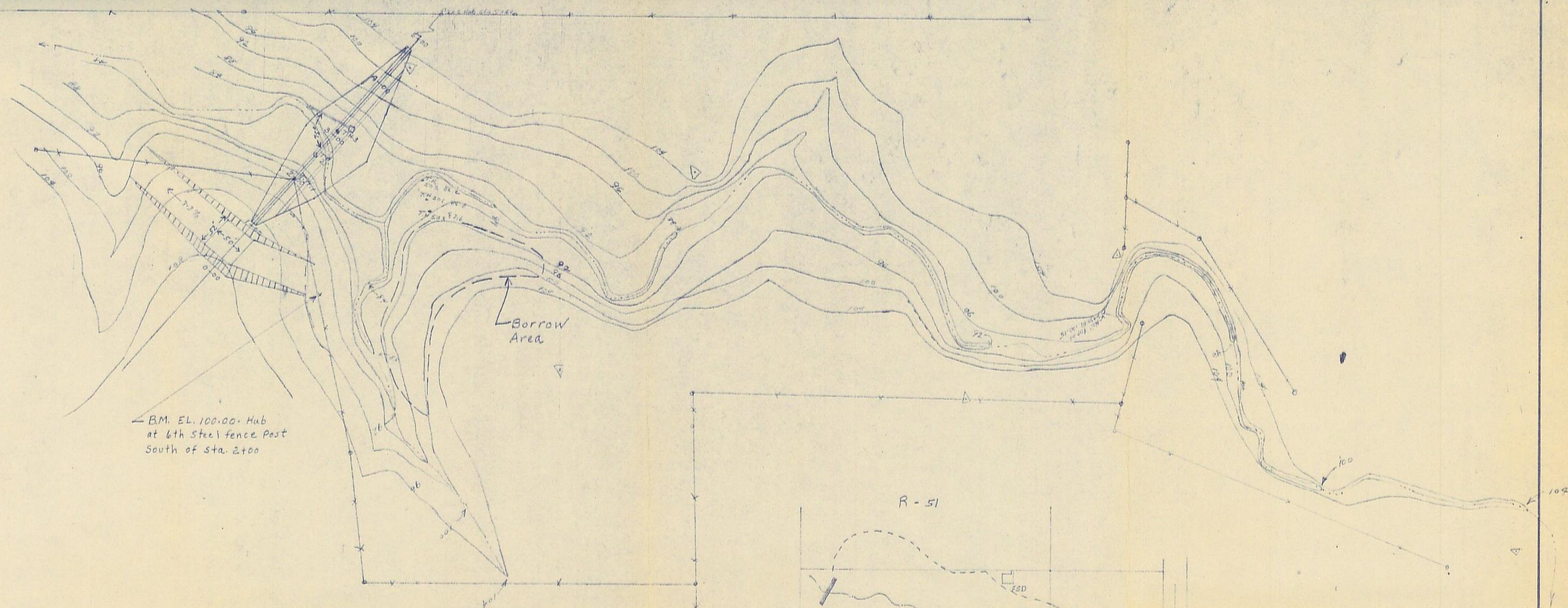
I, JELAND KLOSTERGAARD, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Edward J. Hartigan

Subscribed and sworn to before me this 25th day of March 1967.

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

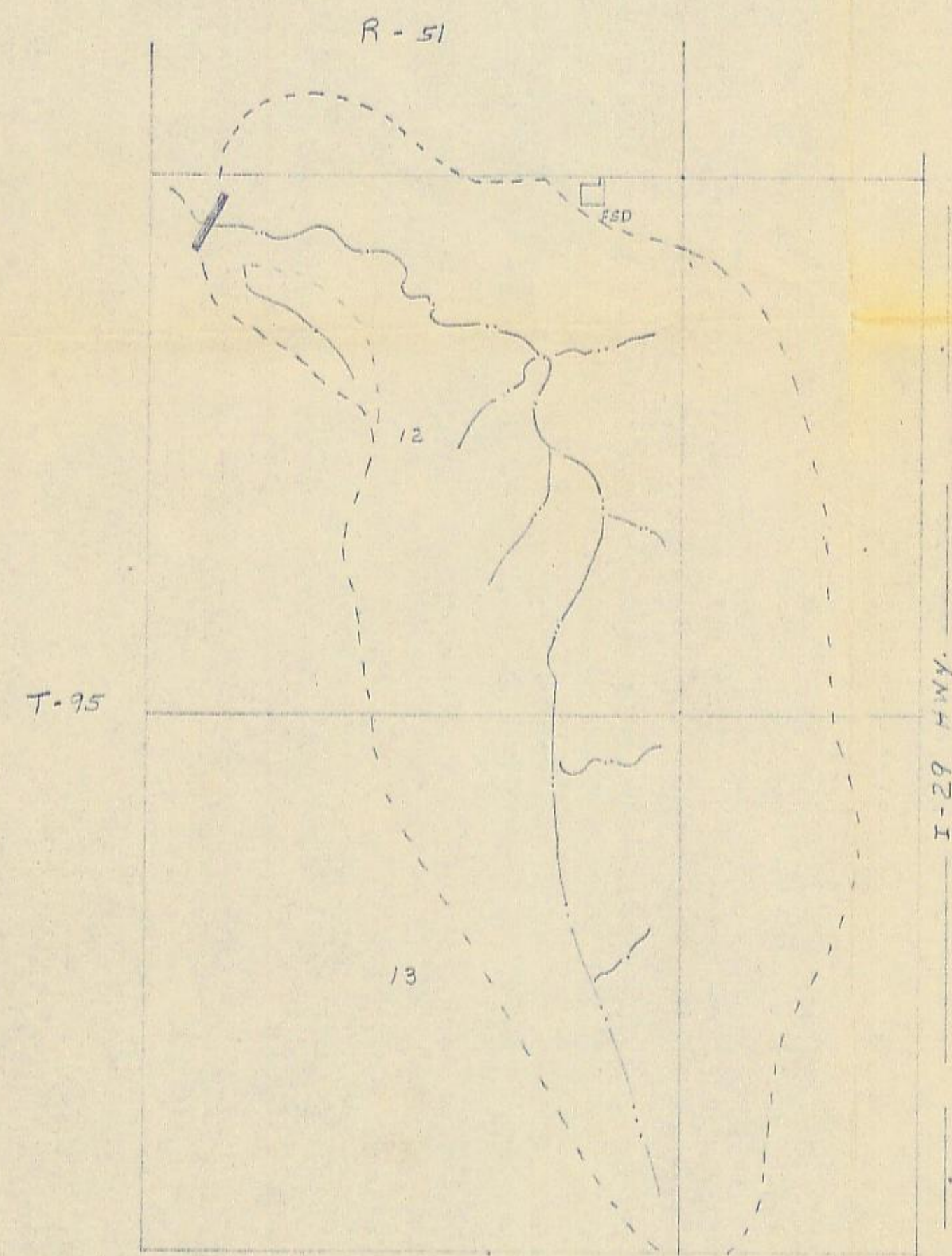


B.M. EL. 100.00- Hub
at 4th Steel fence Post
South of Sta. 2+00

Borrow
Area

Topog. Scale
1 inch = 100'

RESERVOIR STORAGE				
	Elev.	Area AC	Storage A/F	Accum. Stor. A/F
	84.0	0	0	0
	88.0	.8	1.60	1.60
Drawdown	89.0	1.1	0.95	2.55
	92.0	2.1	4.80	7.35
	96.0	5.0	14.20	21.55
Inlet Crest	100.0	7.9	25.80	47.35
	104.0	10.1	36.00	83.35



Scale 4" = 1 mile
Location Map
2 Miles SW. of Beresford, S.D.

LELAND KLOSTERGAARD Rec. Fish Pond NW 1/4, 12-95-51 CLAY CO. S.D.			
U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE			
Designed <u>Carl S. Wasey</u>	Date <u>6/12/66</u>	Approved by _____	Title _____
Drawn <u>Topog. Survey Crew</u>	Date <u>6/15/66</u>	Checked _____	Title _____
Traced <u>Revised C.W.</u>	Date <u>3-2-67</u>	Sheet <u>No. 1</u>	Drawing No. <u>2</u>

Remarks by State Water Resources Commission:

This permit authorizes storage of 47.3
acre feet annually

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Attest, South Dakota, May 25, 1967

This is to certify that the foregoing application was received by the Commission at 8:05 o'clock
A.m. upon the 29th day of March, 1967

State Water Resources Commission

By: Richard D Schmaier
for Chief Engineer, Executive Officer

Number of permit 1385-3

Date of first receipt of application March 29, 1967

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right March 29, 1967

Approved May 17, 1967, Recorded In Book 9 Page 277

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before May 17, 1968

2nd. The whole of said work is to be completed on or before May 17, 1969

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

May 17, 1971

4th. The water appropriated shall be used for the purpose of Fish culture,
wildlife, and recreation uses.

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 47.3 acre feet annually
~~one foot per second; neither shall it exceed the capacity of the above described system of diversion works,~~
~~nor the least amount of water that experience may hereafter indicate as necessary for the production of crops~~
~~in the exercise of the best husbandry, and further, said appropriation must be limited to not more than one-~~
~~seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually~~

for fish culture, wildlife, and recreation purposes

and beneficially applied ~~production~~ on or before May 17, 1971; said water to be used during the following described annual period:

Continuously

Witness my hand this 25th day of May, 1967

State Water Resources Commission

By: Richard D Schmaier
Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 26, 1971

Water License Issued SEPTEMBER 20, 1971

Form 15.

Permit No. 1385-3

Water Diversion No. 3 Vermillion River Water District

CERTIFICATE OF CONSTRUCTION

Leland Klostergaard

This is to Certify, That _____

_____ the holder _____ of
Permit No. 1385-3, issued upon Application No. 1385-3, bearing date of priority of March 29,
1967 47.3 acre feet annually
_____ authorizing the diversion of XXXXXXXXXXXX cfs. of the waters of _____
local runoff County of Clay, State of South Dakota at _____
a point North 108° E., 730 feet from the NW Corner, Section 12, T95N, R51W

_____ for recreation

_____ ^s _____, has complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 47.3 acre feet annually cfs. of water

Date September 20, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

JWG

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1385-3

(1) WHEREAS, On the 29th day of March A.D. 19 67

Leland Klostergaard

made Water Right Application No. 1385-3 for a permit to use 47.3 acre feet annual ~~xxxxxxx~~ of the waters of local runoff

County of Clay, State of South Dakota, for recreation

_____ purposes; and

(2) WHEREAS, On the 25th day of May A.D. 19 67

Permit No. 1385-3, with a date of priority of March 29, 1971

was issued to said applicant _____ for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 17th day of May A.D. 19 69 and for the application to beneficial use of said water on or before the 17th day of May A.D. 19 71

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 47.3 acre feet annual ~~xxxxxxx~~ of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent.

water is stored in place for recreational purposes

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota. We hereby grant and confirm to Leland Klostergaard

_____ of Beresford, S.D.

the holder _____ and owner _____ of said permit No. 1585-3 a water right, dating from March 29, 1967

_____ to use of 47.3 acre feet annually ~~xxxxxx~~ of the waters of local runoff

in the County of Clay and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point N. 108° E., 730 feet from the NW Corner, Section 12, T95N, R51W

and ~~xxxxxx~~ stored in place

for the purpose of public recreation

Subject to any limitations listed in Water Right Permit No. 1585-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 20th day of September A. D.
Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.F. GRIFES

On or before **April 20** 19**67**
 (First Publication _____, 19____)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., **March 30**, 19**67**

Notice is hereby given that **Leland Flostergaard** whose postoffice address is **Beresford** S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use **47.3 acre** **annually** feet of water ~~perennially~~ from ~~the~~ **a dry draw** through the **Flostergaard Wildlife Dam**, the point of diversion of which is to be located ~~on the~~ in the **NW** $\frac{1}{4}$ of the **NW** $\frac{1}{4}$ of Section **12** Twp. **95N** Range **51W**. Said water to be used for ~~the purpose of irrigation~~ **fish culture, wildlife, and recreation purposes.**

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the **17th** day of **May**, 19**67**, at **2 P.** M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

RICHARD D. SCHROYER
 Water Right Specialist

CC: Jack Nelson, Publisher
 Beresford Republic
 Beresford, S.D.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Union } ss.

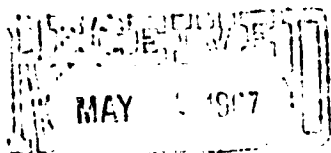
Jack Nelson being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Beresford Republic a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the City of Beresford County of Union and State of South Dakota; that the said notice was published in said newspaper on the following dates:

April 6, 1967
 April 13, 1967
 April 20, 1967
 April 27, 1967

in each and every issue of the full number thereof, the first publication being made on the 6th day of April 1967 and the last publication on the 27th day of April 1967 upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was the editor, the printer, and publisher of the said newspaper.

Jack Nelson

Subscribed and sworn to before me this 27 day of April A. D. 1967



STATE WATER RESOURCES COMMISSION

LEGAL NOTICE

APPROPRIATION OF WATER
 Office of State Water Resources
 Commission,
 Pierre, S. Dak., March 30, 1967

Notice is hereby given that Leland Klostergaard whose postoffice address is Beresford S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 47.3 acre feet of water annually from a dry draw through the Klostergaard Wildlife Dam, the point of diversion of which is to be located in the NW 1/4 of the NW 1/4 of Section 12 Township 95 N, Range 61W. Said water to be used for fish culture, wildlife, and recreation purposes.

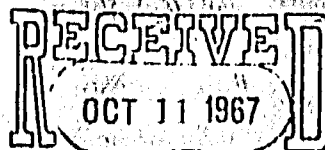
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of May, 1967, at 2 p.m. All interested persons may appear and be heard.

Appropriate action will be taken by Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission,
 BY:

Richard D. Schmoyer
 Water Right Specialist
 (Pub: April 6, 13, 20, & 27)

Notary Public *(Signature)* County, S. D.

Permit No. 1385-3
 Water Division No. 3 Vermillion River Water District STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) Bereanford, South Dakota(Date) October 9, 1967

TO THE STATE WATER RESOURCES COMMISSION
 OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of 47.3 acre feet (storage) cu. ft. per second of the waters of the state from runoff through the Klostergaard Wildlife Dam for Wildlife, Recreation, Fish Pond purposes

In accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota,

1. The name of the person or corporation holding said permit is Ieland Klostergaard
2. The postoffice address of such person or the place of business of such corporation is Bereanford
 County of Glaz State of South Dakota
3. The number of such permit is 1385-3 and the date set for the completion of such work is October 1967
4. Said water to be used for Wildlife, Recreation, Fish Pond purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 47.3 acre feet cubic feet per second.
6. The amount of land for which said water is available is _____ acres,
 particularly described as follows: _____

I hereby certify that the facts set forth in the above notice are true.

(Signature of Owners)

Ieland Klostergaard

Permit No. 1385-3
 Water Division 3 VERMILLION RIVER Water District

REPORT OF EXAMINATION OF WORKS
 AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by LELAND
KLOSTERGAARD of BERESFORD holder
 of Permit No. 1385-3, bearing date of priority of MARCH 29, 1967
 authorizing the diversion of 47.3 ACRE FEET ANNUALLY
cu. ft. per second of the waters of SURFACE RUNOFF
 for WILDLIFE & RECREATION purposes, in CLAY County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

DAM APPROX 21' HIGH W/ OVERFLOW TUBE (3')
SET 5' BELOW CREST OF DAM
SPILLWAY CREST 2' BELOW CREST OF DAM

B. Works used to transport water to place of use.

C. Works used to apply water to beneficial use.

WATER IS STORED IN PLACE FOR RECREATION
PURPOSES

The system is in the following condition: EXCELLENT

The point of diversion is located N 108° E, 730' FROM THE NW CORNER,
SECTION 12, T95N, R51W

The works are capable of diverting and conveying to the place of use 47.3 AC. F.T. ANNUALLY
cu. ft. per second of water which is to be used for RECREATION

Water has been put to beneficial use to the maximum extent as follows: _____

comprising a total of _____ acres of land.

Date SEPTEMBER 14, 1971
Burton Jones
 (Signature)
 WATER RIGHT SPECIALIST
 WATER RESOURCES COMMISSION